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|   |   |                         |
|---|---|-------------------------|
| In re Application of:                       | : |                         |
| BAINBRIDGE, Lionel, Christopher             | : | DECISION ON PETITION TO |
| U.S. Application No.: 10/598,144            | : | WITHDRAW HOLDING OF     |
| PCT No.: PCT/GB2005/000561                  | : | ABANDONMENT             |
| International Filing Date: 17 February 2005 | : | (37 CFR 1.181)          |
| Priority Date: 18 February 2004             | : |                         |
| Atty Docket No.: IPLTP0107US                | : |                         |
| For: A MEDICAL SLEEVE                       | : |                         |

This decision is issued in response to the "Petition To Withdraw Any Holding Of Abandonment Based On Failure To Receive Notification Of Missing Requirements" filed 27 August 2008, treated herein under 37 CFR 1.181. A petition fee is not required.

### **BACKGROUND**

On 17 February 2005, applicants filed international application PCT/GB2005/000561. The international application claimed a priority date of 18 February 2004, and it designated the United States. On 01 September 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent And Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 18 August 2006.

On 18 August 2006, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

The electronic application file includes a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) dated 21 March 2007 and a second "Notification Of Missing Requirements" (Form PCT/DO/EO/905) dated 22 March 2007. Both of these Notifications indicate that the following additional materials are required: (1) an oath or declaration in compliance with 37 CFR 1.497; (2) the surcharge for filing the oath or declaration later than thirty months after the priority date; (3) the search fee; and (4) the examination fee.

On 27 August 2008, applicants filed the "Petition To Withdraw Any Holding Of Abandonment Based On Failure To Receive Notification Of Missing Requirements" considered herein, with accompanying materials (including an executed declaration and payment of the required surcharge, search fee, and examination fee). The petition asserts that any abandonment of the present application based on the failure to timely respond to the two Notification of

Missing Requirements documents present in the application file should be withdrawn, in that applicant never received such Notifications.

### **DISCUSSION**

A review of USPTO records indicates that, although present in the application file, the "Notification Of Missing Requirements" forms dated 21 March 2007 and 22 March 2007 were not mailed to applicant. Accordingly, the present application is not considered abandoned for failure to timely reply to such Notifications.

The present petition was accompanied by materials satisfying the requirements listed in the Notifications, that is, an executed declaration in compliance with 37 CFR 1.497 and payment of the required surcharge, search fee, and examination fee. Accordingly, there is no need for a revised Notification Of Missing Requirements to be mailed to applicant herein.

### **CONCLUSION**

Applicant's "Petition To Withdraw Any Holding Of Abandonment Based On Failure To Receive Notification Of Missing Requirements" is **GRANTED**.

The application is not considered abandoned for failure to timely respond to the two "Notification of Missing Requirements" (Form PCT/DO/EO/905) documents present in the application file (dated 21 March 2007 and 22 March 2007).

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 27 August 2008.



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